

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
<i>Plaintiff,</i>)	
v.)	CASE NO.: 5:21-cr-259
)	
)	JUDGE DONALD C. NUGENT
RONALD DIPIETRO, <i>et al.</i>)	
)	
<i>Defendant.</i>)	

DEFENDANT RONALD DIPIETRO'S MOTION TO CONTINUE TRIAL

Defendant Ronald DiPietro (“Defendant”), by and through his undersigned counsel, respectfully moves this Court for the entry of an Order continuing the trial currently scheduled for January 16, 2024, at 8:30 a.m., for thirty (30) days, and in support thereof states as follows:

1. On September 5, 2023, this Court held a telephonic pretrial conference as to all defendants in this case, with all counsel present, wherein the Court tentatively scheduled the trial for January 16, 2024. However, as the Court did not take any objections from the parties, it ordered the Government to file a Motion indicating its intentions, with Defendants having the opportunity to respond that they were in agreement with the Court’s trial date, or object to it. (Minutes of proceedings on September 5, 2023)

2. Specifically, the Court provided the following:

Minutes of proceedings [non-document] before Judge Donald C. Nugent. Telephonic Pretrial Conference as to Ronald DiPietro (3), Thomas Helmick (4), Christos Karasarides, Jr (5), Christopher Karasarides (6) held on 9/5/2023 with all counsel participating. Counsel for Government and Defendants indicate Case No. 5:21 CR 259 to be ready for trial mid-January with all other related cases to be set after the trial of 5:21 CR 259. Jury Trial in Case No. 5:21 CR 259 set for 1/16/2024 at 08:30 AM in Courtroom 15A before Judge

Donald C. Nugent. Counsel for all related cases agree to the continuance of their matters until the resolution of Case No. 5:21 CR 259 for good cause and in the interests of justice (18 U.S.C. § 3161). **Government to file Motion indicating their intentions with Defendants having the opportunity to respond that they are in agreement, or object to any continuance.** (Court Reporter None) Time: 15 minutes. (M,S)

(Minutes of proceedings on September 5, 2023) (*emphasis added*)

3. After the pretrial conference, the Government failed to take any action required by the Court. Instead, the Government waited more than a month and emailed all defendants on October 6, 2023 with a Speedy Trial Waiver and Trial Order for everyone's signature.

4. Defendant immediately provided his objection to the Government and cited the Minutes from the September 5, 2023, pretrial hearing. Furthermore, Defendant's counsel informed the Government that he currently has a criminal trial scheduled to begin on the same date.¹

5. As a result of Defendant's objection, Defendant and the Government discussed alternative dates for trial in mid-February. However, during those discussions, the Government inexplicably sent the Speedy Trial Waiver and Trial Order to the Court for filing without Defendant's signature.

6. As a result, the Court entered the Criminal Trial Order on October 31, 2023, setting the trial date for January 16, 2024. (Doc No. 188)

7. The Government, through ASUA Aaron Howell, indicated that it objects to the subject motion.

¹ The criminal case is styled as *United States v. Robert Elsten*, case number 1:22-cr-52 in the United States District Court for the Northern District of Indiana, Fort Wayne Division.

WHEREFORE, Defendant Ronald DiPietro requests that the trial, currently scheduled for January 16, 2024, be continued for thirty (30) days and any such relief the Court considers just and appropriate.

Respectfully submitted,

/s/ Robert J. Fedor

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Attorneys for Defendant Ronald DiPietro

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 9, 2023, a copy of the foregoing was served via the United States Federal Court CM/ECF filing portal, which will send notice of electronic filing and service to all counsel of record in this proceeding.

Respectfully submitted,

/s/ Robert J. Fedor

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